

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 12, 24, 33, and 39 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-41 are now pending in this application.

The Examiner rejected claims 1-41 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,009,511 (Mazar et al.)

In response to the Examiner's rejection, Applicant has amended independent claims 1, 12, 24, 33, and 39 to more particularly describe that the claimed monitoring device is capable of broadcasting general emergency signals that include at least information corresponding to physiological parameters and an identification of the monitoring device. Support for these amendments can be found, for example, at paragraphs 0021-0022 of the present application. Therefore, the monitoring device on its own can immediately broadcast a signal upon recognizing an emergency situation, where any and/or all mobile devices equipped with minimal event handling capabilities can detect and process the emergency signal/message.

Applicant submits that Mazar et al. fails to teach or suggest such a feature. The Examiner asserted that Mazar et al. teaches receiving at a mobile wireless event handling device, a first signal via a first network regarding information from a monitor, where the mobile wireless even handling device transmits a second signal via a second network including at least information corresponding to the identification of the monitor. (*See, e.g.*, column 4, lines 22-32, column 15, lines 22-column 16, line 3, and Figure 5). Although Mazar

et al. mentions the triggering of some type of alarm, the alarm is sent from a repeater, e.g., repeater 610. In addition, an alarm in Mazar et al. is only sent after the repeater 610 has analyzed and/or processed information it has received from a medical device 604. (*See, e.g.*, column 16, lines 40-48, column 17, lines 4-16, and column 18, lines 11-23). In contrast, amended independent claims 1, 12, 24, 33, and 39 require that the monitoring device have the capability of transmitting a signal comprising at least a general broadcast emergency signal, as described above. Hence, claims 1, 12, 24, 33, and 39 of the present application describe a system/method/device that can provide quicker response time to an emergency and greater flexibility because the signal is sent directly from the monitoring device and a plurality of entities can respond to the emergency.

It should also be noted that although Mazar et al. contemplates a medical device 102 as having the capability to communicate directly with a communication system 110, such a feature requires that increased communication functionality must be added to the medical device 102. For example, the medical device 102 can incorporate miniature cellular telephony technology as described at column 7, lines 59-55 of Mazar et al. Alternatively, Mazar et al. teaches that Bluetooth functionality, for example, can be added to the medical device 102. (*See, e.g.*, column 7, lines 55-57). However, added cellular functionality entails added cost and added size to the medical device, which is undesirable, especially if it is implantable. Further still, a local network access point/wired portal in a patient's home is required when utilizing Bluetooth, thereby effectively negating the ability of the medical device to communicate "directly" with the communication system 110. In contrast, amended independent claims 1, 12, 24, 33, and 39 require that the monitoring device have the capability of transmitting a signal comprising at least a general broadcast emergency signal. Therefore, because the broadcasted signal is a general emergency signal, any minimally equipped mobile device can receive the signal, as described above. In addition, no added functionality is necessary in the monitoring device of the present application.

Moreover, although Mazar et al. teaches that a medical device can communicate an "interesting" event to the communication system 110, the implication is that such signaling/messaging is exclusive to the medical device 102 and the communication system 110. (*See, e.g.*, column 8, lines 1-14 of Mazar et al.) In other words, the medical device 102

has the functionality of an ITU 108 integrated therein. Therefore, the signaling is specifically meant for/understood only by the communication system 110 and not a general emergency signal recognizable by other entities/elements/ITUs. In contrast, amended independent claims 1, 12, 24, 33, and 39 recite an ability of the monitoring device to broadcast a general emergency signal. As mentioned above, paragraphs [0021]-[0022] of the present application explain that if a general emergency signal is broadcast, any and all mobile devices having minimal event handling capabilities can detect and process the emergency signal.

For the above reasons, Applicant submits that the cited prior art does not teach or suggest each element of independent claims 1, 12, 24, 33, and 39. Therefore, Applicant submits that each of independent claims 1, 12, 24, 33, and 39 are patentable over the cited prior art. Furthermore, because dependent claims 2-11, 13-23, 25-32, 34-38, and 40-41 are each directly or indirectly dependent upon independent claims 1, 12, 24, 33, and 39, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date: April 25, 2007

By /G. Peter Albert Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268